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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

STEVE MICHAEL COX,

Petitioner,

vs.

E.K. McDANIEL, *et al.*,

Respondents.

3:07-cv-0540-BES-RAM

ORDER

This action is a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, by Steve Michael Cox, a prisoner at Nevada's Ely State Prison.

On May 30, 2008, the Court granted petitioner's motion to proceed *in forma pauperis*. (Docket #5). Because the petition was not submitted on the Court's approved form, petitioner was ordered to file an amended petition on the proper form. (*Id.*). On June 18, 2008, petitioner filed an amended petition. (Docket #8).

The amended petition does not set forth a viable claim for habeas relief, and therefore must be dismissed. See Rule 4, Rules Governing Section 2254 Cases. In the amended petition, petitioner seeks to challenge the final judgment entered in another case filed in this Court, case number 3:03-cv-651-PMP-VPC. Petitioner may not challenge a ruling made by

1 this Court by means of filing this action, rather, petitioner may seek appellate review by a
2 higher court. Because the instant petition fails to state a viable claim for habeas relief, it is
3 dismissed with prejudice.

4 **IT IS THEREFORE ORDERED** that the instant petition is **DISMISSED WITH**
5 **PREJUDICE.**

6 **IT IS FURTHER ORDERED** that all pending motions, including Docket #7 and Docket
7 #9, are **DENIED.**

8 **IT IS FURTHER ORDERED** that petitioner is **DENIED** a certificate of appealability as
9 to this action.

10 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly.

11 DATED: This 3rd day of February, 2009.

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13 _____
14 UNITED STATES DISTRICT JUDGE